

**BEST AVAILABLE COPY****REMARKS**

This paper is filed in response to the Office Action mailed September 20, 2005, in which claims 1-31 were pending in the above-referenced application. Claims 1-31 were rejected. By this paper, independent claims 1, 18, and 31 have been amended. Also, dependent claims 19 and 21 have been amended.

Applicants extend appreciation to the Examiner for the Interview conducted with Applicants' attorney on October 18, 2005. At the Interview, amendments were discussed with respect to claims 1, 18 and 31. It was agreed that the amended claims are patentably distinguishable over the prior art of record. Independent claims 1, 18 and 31 include the limitations discussed in the Interview.

Claims 1-5, 8, 12, and 17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 21, and 24 of U.S. Patent No. 6,595,941 to Blatter. Claims 6, 7 and 21 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,595,941 to Blatter in view of U.S. Patent No. 4,421,507 to Bokros. This rejection is overcome by the accompanying terminal disclaimer wherein the terminal part of the statutory term of any patent granted on the Present Application which would extend beyond the expiration date of the fully statutory term of U.S. Patent No. 6,595,941 is disclaimed.

Claims 9-11, 13, 18, 22-29, and 31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 19, 23, 24 and 53 of U.S. Patent No. 6,656,151 to Blatter. This rejection is overcome by the accompanying terminal disclaimer wherein the terminal part of the statutory term of any

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patent granted on the Present Application which would extend beyond the expiration date of the fully statutory term of U.S. Patent No. 6,656,151 is disclaimed.

Claims 14-16, 19, 20 and 30 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 6,663,590 to Blatter. This rejection is overcome by the accompanying terminal disclaimer wherein the terminal part of the statutory term of any patent granted on the Present Application which would extend beyond the expiration date of the fully statutory term of U.S. Patent No. 6,663,590 is disclaimed.

Claims 1-5, 8-10, 15, 18, 19, 22, 23, 25 and 31 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,822,341 to Colone. Also, claims 24 and 26 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,822,341 to Colone

As shown in FIG. 6 of Colone, tube 66 is attached at one end to the side of artery 68 and at its other end to the side of vein 70. Tube 66 is not occludable at its ends. Port collar 20 extends over and around a prosthetic vascular graft formed by tube 66. In the embodiment shown in FIGS. 1-5, collar 20 has connectors 36 that integrally extend outward and tubes 46 and 80 are positioned over the connectors. Occlusion is achieved via slide valve member 22 in port collar 20. Tubes 46 and 80 are not occludable at their ends as the occlusion occurs within port collar 20. In the embodiment shown in FIGS. 7-9, there are no connectors and tubes 46 and 80 extend integrally from port collar 20 instead of being attached.

The independent claims are patentably distinguishable over Colone. Claim 1 recites "occluding the access tube with an occluder at its anastomosis end to prevent

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the body fluid in the anatomical, native vessel from entering the access tube. . .” Claim 18 recites “an occluder configured to fit within the access tube at the anastomosis end of the access tube to block fluid communication between the anatomical, native vessel and the access tube. . .” Claim 31 recites “occluding means for selectively occluding an opening in an anatomical, native vessel, wherein the occluding means is configured to fit within the access tube means at the anastomosis end of the access tube to block fluid communication between the anatomical, native vessel and the access tube means . . .” Such limitations are not taught or suggested by Colone.

Claims 6, 7 and 21 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,822,341 to Colone in view of U.S. Patent No. 4,421,507 to Bokros. As discussed above, the independent claims are patentable over Colone so claims 6, 7 and 21 are also patentable over Colone in view of Bokros.

Independent claims 1, 18, and 31 are also patentable over U.S. Patent No. 4,318, 401 to Zimmerman. Claim 1 recites “anastomosing the access tube at its anastomosis end to the sidewall of the anatomical vessel without sutures, for fluid communication between the anatomical vessel and the access tube. . .” Claim 18 recites “an access tube having an anastomosis end, wherein the anastomosis end is configured for sutureless attachment of the anastomosis end of the access tube to the sidewall of an anatomical, native vessel to enable fluid communication between the anatomical, native vessel and the access tube. . .” Claim 31 recites “access tube means for accessing an anastomosed vessel, wherein the access tube means has an anastomosis end configured for sutureless attachment of the anastomosis end of the access tube to the sidewall of an anatomical, native vessel to enable fluid

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communication between the anatomical, native vessel and the access tube means . . ."

In contrast, Zimmerman utilizes sutures as identified at 26 in column 3, line 8 with reference to figure 2.

The above limitations were discussed during the Interview and it was agreed that these limitations distinguish the independent claims from the prior art of record. In view of the foregoing, it is believed that all of the claims are patentable in their present form, and a prompt notice of allowance for this case is respectfully requested. As mentioned above, if the Examiner finds any remaining impediment to the prompt allowance of this application, please contact the undersigned attorney.

DATED this 16<sup>TH</sup> day of DECEMBER 2005.

Respectfully submitted,



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